

**WARRANTY DEED**  
**Joint Tenancy - Statutory**  
**(ILLINOIS)**  
**(Corporation to Partnership)**

0020071773

13110042 28 001 Page 1 of 7  
2002-01-17 09:21:36  
Cook County Recorder 33.00

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0020071773

THE GRANTOR (NAME AND ADDRESS)

**FITZPATRICK CHICAGO HOLDINGS INC.,** an Illinois corporation  
687 Lexington Avenue  
New York, New York 10022

(The Above Space for Recorder's Use only)

for and in consideration of TEN (\$10.00) DOLLARS, and other good and valuable consideration in hand paid, CONVEYS and WARRANTS to

**FITZPATRICK CHICAGO HOTEL L.P.,** an Illinois limited partnership  
687 Lexington Avenue  
New York, New York 10022

(NAME AND ADDRESS OF GRANTEE(S))

the following described Real Estate situated in the County of Cook in the State of Illinois, to wit: (See reverse side for legal description.) hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois. SUBJECT TO: the items described on Exhibit B attached hereto.

Permanent Index Number (PIN): 17-10-200-020-0000; 17-10-200-021-0000; 17-10-200-063-0000

Address(es) of Real Estate: 166-172 East Superior Street

Exempt under provisions of par. E, Section 4, Real Estate Transfer Tax Act

DATED this 21st day of November, 2001

Date 11/15/2002

**FITZPATRICK CHICAGO HOLDINGS INC.,**  
an Illinois corporation

PLEASE

PRINT OR

TYPE NAME(S)

BELOW

SIGNATURE(S)

Exempt under provisions of par. E, Section 200.1

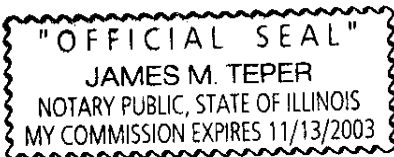
200 under provisions of par. E, Section 200.1-4B of the Chicago Transaction Tax Ordinance.

Date 11/15/2002

Name: John W. Fitzpatrick  
Title: President

State of Illinois, County of Cook ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that



**JOHN W. FITZPATRICK**, the president of Fitzpatrick Chicago Holdings Inc., an Illinois corporation, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, and as the free and voluntary act of the corporation, for the uses and purposes therein set forth.

IMPRESS SEAL HERE

Given under my hand and official seal, this 18th day of November, 2001.

Commission expires: November 13, 2003

NOTARY PUBLIC

This instrument was prepared by James M. Teper, Esq., Shefsky & Froelich Ltd., 444 North Michigan Ave., Suite 2500, Chicago, Illinois 60611

(NAME AND ADDRESS)

**BOX 333-CU**

788528188C

640

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\_\_\_\_\_  
\_\_\_\_\_

NO-SEE XIB

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LEGAL DESCRIPTION

of premises commonly known as 166-172 East Superior Street, Chicago, Illinois, and further described on Exhibit A attached hereto and made a part hereof.

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Property of Cook County Clerk's Office

SEND SUBSEQUENT TAX BILLS TO:

Mail to: James M. Teper, Esq.  
(NAME)

Fitzpatrick Chicago Hotel L.P.  
(NAME)

Shesky & Froelich Ltd., 444 N. Michigan Ave., Suite 2500  
(ADDRESS)

687 Lexington Avenue  
(ADDRESS)

Chicago, Illinois 60611  
(CITY, STATE AND ZIP)

New York, New York 10022  
(CITY, STATE AND ZIP)

OR RECORDER'S OFFICE BOX NO. \_\_\_\_\_

Attention: Mr. John W. Fitzpatrick

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## EXHIBIT A

### Legal Description

#### PARCEL 1:

LOTS 4, 5, AND 6 IN HENRY WISCHEMEYER'S SUBDIVISION OF BLOCK 54 IN KINZIE'S ADDITION TO CHICAGO IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING A RESUBDIVISION OF THE EAST 15 FEET OF LOT 11 AND ALL OF LOT 12 IN LEGG'S SUBDIVISION OF SAID BLOCK 54, TOGETHER WITH LOTS 1, 2 AND 3 IN OGDEN AND LOMBARD'S SUBDIVISION OF THE ACCRETIONS LYING EAST OF AND ADJOINING SAID LOT 12, IN COOK COUNTY, ILLINOIS.

#### PARCEL 2:

LOTS D, E, F, G, H, AND I IN ILL'S CHICAGO BREWING COMPANY'S SUBDIVISION IN BLOCK 54 IN KINZIE'S ADDITION TO CHICAGO IN SECTION 10, TOWNSHIP 39 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Address:

(2nd)  
166~~th~~ E. Superior

P.I.N.:

17-10-200-020-0000;  
17-10-200-021-0000; and  
17-10-200-063-0000

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EXHIBIT B

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## PERMITTED EXCEPTIONS

### REAL ESTATE TAXES NOT YET DUE AND PAYABLE

THE LAND LIES WITHIN THE BOUNDARIES OF A SPECIAL SERVICE AREA AS DISCLOSED BY ORDINANCE RECORDED AS DOCUMENT 91075841, AND IS SUBJECT TO ADDITIONAL TAXES UNDER THE TERMS OF SAID ORDINANCE AND SUBSEQUENT RELATED ORDINANCES.

- DECLARATION OF EASEMENT DATED JUNE 17, 1981 AND RECORDED JULY 27, 1981 AS DOCUMENT 25950376 MADE BY LASALLE NATIONAL BANK AS TRUSTEE UNDER TRUST NUMBER 41465 AND THE COSMOPOLITAN NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER TRUST NUMBER 25605.

(AFFECTS LAND AND OTHER PROPERTY)

- DECLARATION OF PARKING RIGHTS DATED JUNE 17, 1981 AND RECORDED JULY 27, 1981 AS DOCUMENT 25950379 MADE BY LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST NOS. 41465 AND 101565.

- SINGLE MASONRY WALL FORMERLY USED IN COMMON WITH ADJOINING PROPERTY AND LOCATED ALONG THE EAST LINE OF THE LAND, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC., NUMBER N-118831 AND REVISED BY N-123870 DATED MARCH 22, 2001.

(AFFECTS LOT 6 PARCEL 1)

EASEMENT OVER PARCEL 2 FOR USE AS A TRUCK AND OTHER VEHICLE TURN-AROUND AREA AND TEMPORARY WAITING SPACE AND OVER THE WEST 42 FEET OF PARCEL 2 FOR PARKING AREA IN FAVOR OF AMERICAN DENTAL ASSOCIATION, AN ILLINOIS NOT-FOR-PROFIT CORPORATION, AS RESERVED IN ITS DEED TO ADA S. POLLOCK, DATED JUNE 9, 1965 AND RECORDED JULY 13, 1965 AS DOCUMENT 19525122 AND TERMS AND CONDITIONS THEREIN CONTAINED, AMONG WHICH IS THE CONDITION THAT NO IMPROVEMENTS ARE TO BE MADE ON PARCEL 2 EXCEPT AS THEREIN DESCRIBED.

NOTE: AMENDED BY INSTRUMENT RECORDED NOVEMBER 26, 1980 AS DOCUMENT 25683755.

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EXISTING UNRECORDED LEASES TO THE FOLLOWING LESSEES, AND ALL RIGHTS THEREUNDER OF THE LESSEES AND OF ANY PERSON OR PARTY CLAIMING BY, THROUGH OR UNDER THE LESSEES AS DISCLOSED BY RENT ROLL ATTACHED TO ALTA STATEMENT DATED -----:

DR. SCOTT HELLER UNDER LEASE DATED MAY 1, 1998;  
BENIHANA OF TOKYO, INC. UNDER LEASE DATED JUNE 17, 1975;  
BRANT BITTMANN, D.D.S., P.C. UNDER LEASE DATED APRIL 23, 1986;

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GLORIA CHEN, D.D.S. AND ROGER H. SCHOLLE, D.D.S. UNDER LEASE DATED JANUARY 8, 1992;  
CHARLES G. DELLARIA, JR. DBA CHARLES OF THE BARCLAY UNDER LEASE DATED DECEMBER 11, 1989;  
DR. STANLEY LIPKIN AND EVELYN LIPKIN, MSW UNDER LEASE DATED JUNE 6, 1988;  
LOFTUS AND O'MEARA TEMPORARY SERVICE, INC. UNDER LEASES DATED JULY 11, 1988 AND JULY 17, 1989;  
O'MEARA ASSOC., INC. UNDER LEASE DATED JUNE 20, 1988;  
SANDRA SANOSHI COMPANY, INC. UNDER LEASE DATED JANUARY 15, 1991; AND  
ZIBUTE ZAPARACKAS AND PAUL A. KNEPPER, LTD. UNDER LEASE DATED MARCH 30, 1987.  
DR. MICHAEL MAILING UNDER LEASE DATED FEBRUARY 1, 1998;  
CHICAGO FUR MART UNDER LEASE DATED MARCH 1, 1997  
ZEZA LTD UNDER LEASE DATED MARCH 1, 2001  
AT & T WIRELESS UNDER LEASE DATED--  
AMERTECH CELLULER UNDER LEASES DATED---

ENCROACHMENT OF WEST FACE OF GUARD RAIL LOCATED MAINLY ON PROPERTY EAST AND ADJOINING OVER AND ONTO THE LAND BY 7.45 FEET WEST, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 MADE BY NATIONAL SURVEY SERVICE, INC. AS NUMBER N-118831 AS REVISED BY N-123870 DATED MARCH 22, 2001.

ENCROACHMENT OF BUILDING LOCATED ON THE LAND BY ABOUT 9 FEET OVER AND ONTO THAT PART OF THE LAND DEDICATED FOR PRIVATE ALLEY BY PLAT OF SUBDIVISION RECORDED MARCH 10, 1887 AS DOCUMENT 805575, AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC. NUMBER N-118831. BEARING NUMBER N-105471 AS REVISED BY N-123870 DATED MARCH 22, 2001.

ENCROACHMENT OF 28 STORY BRICK BUILDING NOW LOCATED ON LOT 6 OF PARCEL 1 OVER THE EAST LINE OF THE LAND AS FOLLOWS:

COLUMN 0.05 FEET EAST AT GRADE;  
BRICK 0.03 FEET EAST AT GRADE; AND  
BRICK 0.08 FEET EAST AT ROOF;

AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 BY NATIONAL SURVEY SERVICE, INC., NUMBER N-118831 AS REVISED BY N-123870 DATED MARCH 22, 2001.

(AFFECTS LOT 6 PARCEL 1)

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ENCROACHMENT OF CANOPY AND PLANTER ATTACHED TO SEVEN STORY BRICK SECTION OF THE BUILDING LOCATED ON THE LAND OVER THE SOUTH LINE BY ABOUT 5 FEET AS DISCLOSED BY PLAT OF SURVEY DATED AUGUST 30, 1994 MADE BY NATIONAL SURVEY SERVICE, INC. AS NUMBER N-118831 AS REVISED BY N-123870 DATED MARCH 22, 2001.

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## STATEMENT BY GRANTOR AND GRANTEE 20071773

The grantor or his agent affirms that, to the best of his knowledge, the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire title to real estate under the laws of the State of Illinois.

Dated January 15, 2002

Signature: \_\_\_\_\_

Grantor or Agent

Subscribed and sworn to before me by the said Grantor, this 15 day of January, 2002

M.E. Cantu  
Notary Public



The grantee or his agent affirms and verifies that the name of the grantee shown on the deed or assignment of beneficial interest in a land trust is either a natural person, an Illinois corporation or foreign corporation authorized to do business or acquire and hold title to real estate in Illinois, a partnership authorized to do business or acquire and hold title to real estate in Illinois, or other entity recognized as a person and authorized to do business or acquire and hold title to real estate under the laws of the State of Illinois.

Dated January 15, 2002

Signature: \_\_\_\_\_

Grantee or Agent

Subscribed and sworn to before me by the said Grantee, this 15 day of January, 2002

M.E. Cantu  
Notary Public



NOTE: Any person who knowingly submits a false statement concerning the identity of a grantee shall be guilty of a Class C misdemeanor for the first offense and of a Class A misdemeanor for subsequent offenses.

(Attach to deed or ABL to be recorded in Cook County, Illinois, if exempt under provisions of Section 4 of the Illinois Real Estate Transfer Tax Act.)